App F IX 4

1944 Municipal

File No 110-44

Serial Nos 13 & 14

Previous References

mc 63-32-200, 206
" 63-32-125, 153
" 63-28-30, 144
" 59-33-48, 55
~~Mc 59-33-48, 55~~ mc 113-42-4, 113

Later References

L-1481-2/mc-107-45-11, 12, 27-29 & 45
mc 7-45 (69, 70)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Nos

Part B for August 1944

SUBJECT

Levy of tolls on vehicles and animals entering the limits of Tanker Municipality

SL 14

The D C, Kadur Dist
The Comptroller

G O No L 1711-2 & 16/8/44

Sanction is accorded to the levy of the tolls with the omission of the provision relating to its levy on animals

1/9/44

Levy of Tolls on Vehicles and animals entering the limits of Jamkhed Municipality (1)

Continuation Sheet No | File No / Current No | of 7169 | Page

Letter No ABC 4636-339/43-Leg dt 11-5-64 from the Dy Collector Beed requesting sanction to the levy of Tolls on vehicles & animals entering the limits of Jamkhed MC

1) As no objections are stated to have been received from the public to the proposed Bye-laws for the levy of Tolls on vehicles & animals entering the Jamkhed municipal limits, the Dy Collector Beed recommends them for sanction as the levy is intended to augment the resources of the municipality for the works

14/6 2) Pl - put up two model bye laws or bye laws sanctioned for other municipalities in the State for purposes of comparison

Submitted

3) Some objections on the subject of the levy of Tolls in the Hasnan Jamkhed municipality are put up (Vide para 2)

16/6 4) The rules have been scrutinized & they are found to be alright. Tolls cannot be levied on "animals" Hence they may be omitted & draft for may be put up

5) Returned with a draft to Sd Collector for necessary action 19-7 my

16/7 6) A revised draft for is put up. It may be approved

29/7

Levy of Tolls on Vehicles and animals entering the limits of Tarikere municipality -

V

Continuation Sheet | File No / Current No | of | Page

7) May be approved
Rules 259

Acc
31-7-44

8) Approved
4 & 6

Acc
3-8-44

9) Issue
Gazette

OFFICE OF THE MINISTER
FOR L S G & P H
Date 31 7 44
No 843

L 1711-2 dt 16 8 44
Letter with Certificate

14

B

23/8

D C 5]

In reply please refer to—
No m3.C.4836-339/43-14

OFFICE OF THE DEPUTY COMMISSIONER
KADUR DISTRICT

Dated Chikmagalur 11th May 1944

ENCS One file

FROM B.S. RAGHAVENDRA RAO, Esq., M.A. (Hons)
M VENKATESA IYENGAR, Esq., M.A.,
Deputy Commissioner,
Kadur District

To The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

LAW DEPT 15 MAY

GEN & REV SECRET 7169 15 MAY 1944 L S G BRANCH

SIR,

Re Levy of tolls on vehicles and animals entering the limits of Tarikere Municipality

I have the honour to state that the Town Municipal Council, Tarikere, have resolved to levy toll on vehicles entering the limits of the Municipality, under section 61(b)(iii) of the Town Municipalities Act This levy is proposed to be made with a view to improve the finances of the Municipality so that the Municipal Council can meet the requirements of the town such as, opening of a Municipal High School, provision of water supply etc As resolved by the Municipal Council, on 1-3-1944, the draft byelaws were duly published in the Town As no objections were received from the Public, the Municipal Council, at their meeting held on 5-4-44 resolved that sanction of Government be obtained for the bye-laws Tarikere is the second biggest town in the district and there is heavy cart traffic from Tarikere to other big towns There will be good income from

the

Levy of Tol
Re d

Continuation Sheet

this source, if the levy is sanctioned

2 The formalities prescribed in the Town Municipalities Act have been duly observed and no objections have so far been received from the public I, therefore request that sanction of Government may be kindly obtained for the draft bye-laws framed by the Tarikere Town Municipality

The connected records are enclosed for favour of reference.

I have the honour to be,
Sir,
Your most obedient servant,

M. Venkatagiri

FOR DEPUTY COMMISSIONER,
KADUR DISTRICT
(ABSENT FROM HEADQUARTERS ON TOUR).

cc.

Tss

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Tarikere Town Municipality

Draft Rules Regulating Toll Gates erected Under Section 46 (1)(b) of the Mysore Town Municipal Act VIII of 1963 as amended by Acts II and IV of 1964 further to be read with Rules 6 1(b)(ccc) to 2 thereof

1 The local limits for the purpose of collecting tolls shall be the municipal limits or boundaries of Tarikere Town

2 (a) The places of the toll gates on the Taluk Head Quarters to Tarikere Town Limits on the Taluk Head Quarters to Kadur Road leading to the Town shall be as follows.

(i) One called Karur Gate at the eastern end of the Town

(ii) Shimoga Gate at the Western end of the Town

(iii) Chickmagalur Gate at the southern end of the Town

(iv) Lalbagh Gate near the Lalbagh Gate at the northern side of the Town

(v) Kacheri Halli Gate at the south western side of the Town

2 (b) The Council may, with the approval of the Government, at any time establish such number of check-gates as may be found necessary

2 No incoming traffic mentioned in Schedule I and liable to payment of toll, shall enter the Municipal limits except by one of the toll-gates established on the roads mentioned above

2 (c) The Municipal Council shall have power to change the toll-gates established on any one of the above roads as circumstances may render necessary

Subject to the exceptions mentioned in these rules, tolls shall be imposed and collected on all Motor Vehicles Bycicles, Tricycles, Carriages and carts at the rates specified in Schedule I

No toll shall be levied on through traffic ✓

~~Notice of toll rates shall be legibly written in English and Kannada and shall be put up in a conspicuous place near the toll Gates~~

3 The Municipal Council shall construct toll Gates, bars and Gate Keeper's stations at each point referred above where the collection of the toll has to be made

4 A table of toll rates both in English and Kannada shall be pasted up in a conspicuous place at each toll gate

and the table should ~~point out~~ indicate ---

(a) the vehicles ~~or animals~~ on which and

(b) the rates at which and the authority under which the toll is leviable

6 (a) The Municipal Council, subject to the exceptions mentioned in these rules shall have a right to collect toll at the above rates either departmentally or by leasing the levy of toll on vehicles ~~xxxxxxxxx~~ at rates as noted ~~x~~ in the Schedule "A" every official-year by puolic auction, on certain conditions that would be publicly notified in the month of April, every year the toll should be levied only on the incoming traffic-

5(b) Every owner or person who is for the time being in charge or possession of any motor Vehicle, tricycle, bicycle, cart, carriage, and ~~xxxx~~ shall be bound to stop at the first toll Gate of entry into the town limits through which he desires to pass

(c) Every such person shall be bound to give all the necessary information for the ascertainment of levy and collection of toll to the person in charge of the toll-gate

5(c) The person in charge of the Toll Gate shall give to the person paying toll a receipt showing the amount recovered and the date and hour of payment

5(d) In the case of non-payment on demand of any toll referred to above, the procedure laid down in Section 87 of the Mysore Municipal ~~Act~~ Section of 1933 shall be followed by the Municipal Any authorities

6 No tolls shall be levied at the toll gates for the passage of vehicles and animals

(i) Belonging to or employed by Government

(ii) Belonging to or employed by the Municipal Council

(iii) Licensed or registered under Section 61 (ii) of the Mysore Town Municipal Act by the Municipal Council during the period for which they have been so registered or licensed paying in advance

(iv) Subject to the sanction of Government belonging to a person who has compounded the tolls leviable by periodical payments as established by the license issued thereunder

(V) Vehicles and animals belonging to Heads of Mutts who hold

(7)

Marked or issued by Competent Authority

(vi) (Whether owned or hired) for the passage of British military officers passing on duty provided they travel in a staff car or their uniform, such officers passing on duty otherwise than uniform will enter in a book kept by the toll gate keeper for the purpose, their rank, name and the nature of the duty on which they are travelling

(vii) Conveyances used for ambulance purposes

(viii) The Honourable Resident and his personal staff - ~~namely the Secretary to the Honourable Resident~~, the Residency Surgeon, the Personal Assistant to the Honourable Resident in Mysore)

(ix) Vehicles engaged by the Postal Department to convey mails

(x) Vehicles conveying Municipal Servants on duty or property in the custody of such servants

(xi) Engaged by the Municipal Council, ~~Counsel~~ for the supply of jelly stone etc, for the execution of all the works pertaining to the Municipality

(xii) Belonging to H H the Maharaja

(xiii) (Whether owned or hired) used for the passage of troops or the conveyances of Government stores or of any other Government property or the property of H H the Maharaja or conveyances used by the Dewan and his staff in tour

(xiv) (Whether owned or hired) used for the passage of military or police officers on duty or the conveyances or passage of any property or person in their custody

(xv) Belonging to Agricultural Department if they produce a certificate issued by the Director of Agriculture that the vehicles belong to the Agricultural Department and they are conveying the Government articles.

(xvi) No toll shall be levied on foot passengers

(xvii) Vehicles of through and out-going traffic

(xviii) Others exemptions to be ordered by the Government of Mysore from time to time

7 (1) Carts or animals laden with two days supply of grass, fodder and gram (not more than ten seers) and necessary things for the driver with the food stuff (not more than seven days) will not be considered as laden carts or animals

8 No more than one payment of toll shall be demanded at any toll gate in respect of any vehicle etc, mentioned in Schedule "A" in

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in any one period of 24 hours counted from sun rise to sun set

9

The Municipal Council may compound for a period not exceeding one year at a time with any person for a sum to be fixed in accordance with a scale prescribed in schedule II and to be paid monthly, quarterly half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass as per appendix A for the free admission of such vehicle within the limits of the Municipality The Municipal Council reserve the power to add or alter the items of amount of fees in this schedule subject to control of Government Any person desiring to compound shall present an applicatio in writing stating the description of vehicles and the period for which he desires to compound and shall deposit along with the application an amount not less than Rs 25/- per cent of the total sum which may be due from him for the period desired by him On receipt of the deposit, the President or Vice-president may grant him the permit referred to above but the person so compounding shall pay the balance of the compounding fee in three equal instalments within the period for which he compounded. In default of payment of any such instalment such person shall not only be liable to pay the daily toll as as per the schedule rate from the date of such default but also forfeit any payment already made

A person so compounding may, before the expiry of the period specified in such permit, apply to the President for the renewal of such permit followed as usual by a deposit mentioned in para 22 In fit cases the President or Vice President may renew the permit

whenever any such person who has compounded for a definite period desires to discontinue to ~~remove~~ his vehicle or animal within the period, he may apply for the refund of the balance of money if any ~~if any~~ paid by him in advance and on a reasonable cause being shown, the President or Vice President may refund the excess of the amount, if any paid by him, provided that no refund shall be allowed for a sum less than one third of the aggregate amount due for the period for which the composition is effected All applications for such refund shall be presented within 15 days from the date of such discontinuance after the lapse of which no such claim shall be

considered under any circumstances

10 The tolls shall be collected in tickets the form of which should be like the form No 49 given in the Municipal Accounts manual the person paying the toll shall receive a ticket with coupon attached to enable him to pass the bar. The progressive totals of the tolls received shall be kept in each page of the Book of tickets in the space provided at the foot as the pages are completed The totals shall be taken at once and not put off till the end of the day when the progressive total money received for the day shall be taken up to the last counterfoil and shall be entered therein

11 The Municipal Council shall appoint the necessary staff with the sanction of Government for carrying out the work of toll bars The staff should be provided with uniform and badges.

12 The Toll Gate Keeper shall furnish a cash security of Rs 100/-

13 The money collected shall be credited to the Treasury at least thrice a week and not more than Rs 50/- shall remain with the Toll Gate keeper at a time -

Tolls Collected By sale of the right of by Public Auction

The right to collect tolls at the toll gates shall be sold within the 1st May of every year, after duly publishing the notification of the sale with certain rules and conditions embodied thereon, which the President of the Municipal Council deems necessary. The notification shall contain the date, hour and place at which the sale of tolls for the ensuing official-year will be conducted

14 Persons intending to bid at the sale shall attend in person or by a duly accredited agent and every such person shall deposit before the sale an amount that would be prescribed by the President as earnest money

The deposits of all bidders shall be returned at the close of the sale The deposit of the highest bidder who will be called the contractor shall be returned only on fulfilment of the Contract

(b) The contractor shall deposit a security amount equal to one sixth of his bid amount immediately after the sale is over if he is a resident of Mysore State, or one third of bid amount if he is a resident outside Mysore and the security shall be in cash "2) The security deposit shall be taken as set off against the knists due for

the last few months covered by its subject to all the condi of the contract having been fulfilled by the Contractor (every bidd shall produce a certificate of solvency before he bids)

15 The sale shall not become absolute until confirmed by the Municipal Council who reserves the final power of refusing or accepting without assigning any reason whatever, the highest or any bid that may be offered

16 The contractor shall within fifteen days of the receipt of intimation of confirmation of the sale in his favour, execute an agreement on a duly stamped paper binding himself and his heirs to observe the conditions hereinafter set forth and ~~to the~~ be subject to the penalties, forfeiture and liabilities referred to therein and shall furnish if he does not hold property in Mysore at least two sureties who own sufficient properties in the Mysore State for due performance of the Contract

17 In case the purchaser does not execute the required agreement in time for taking over the collection of the revenue leased out from the 1st July, a resale shall be arranged by the President at the risk of the defaulter

18 The Contract shall not be transferred by sale, gift or otherwise or such lease without the previous sanction of the Municipal Council

19 The Contract amount shall be paid in 12 equal monthly instalments, in advance on or before the 5th of every month to the Municipal Council

20 The Contractor shall have no claim to the fees recovered from the persons compounding the payment of toll in accordance with the standing rules and orders approved by the Government and he shall not levy any tolls from such persons. He shall also pay along with the instalments the authorised Local, Railway and Educational cesses, if any, at the prescribed rates

21 Interest @ 9% per annum shall be charged on the amounts due from that due date up to the date of payments

21 The Contractor shall collect tolls only at the rates and at the gates on the traffic specified in Schedule "A" of Bye-law No 2

23 The Contractor shall keep at the toll gate true accounts of the daily collections and of the traffic passing through the toll gate

These accounts shall be open to the inspection of the municip
President or the Vice-President or any other person appointed by
Council He shall,if required by the above authorities furnish to
office at the end of every month a true return for the month, showin
the traffic passing through the gate in the prescribed form
24 The Contractor shall give the person paying the toll a
proper receipt showing the date and hour of payment of toll
25 The Contractor shall have the use of existing toll houses and the
gate without payments of any rent and he shall keep them in good
repair ,failing which the cost of repair shall be recovered from him
If any toll gate or house is required it shall be put up at the
cost of the Municipal Council.
26 The Contractor shall not be entitled to any remission
of the contract amount or to any compensation on account of seasonal
conditions or any other cause whatever
~~27 The Contractor shall conform generally to the rules published in
the Gazette Commissioner's notification No 24 dated 1-11- 1978 and the ru
rules issued from time to time~~
28 The contractor and his employees shall always behave courteously
towards the travelling public and shall not harass them or give them
trouble of any kind and he shall maintain at the toll gate a book
wherein travellers may record complaints and forward true extracts
thereof once a week to the President
29 The President should arrange, at his own cost, for the provision
of dangerous lights fifty yards off on either side of toll gates
30 Any breach of the above conditions or rules on the part of the
contractor or his servants will entail the forfeiture of the deposits
or the levy of a fine not exceeding Rs 50/- by the President for each
infringement or cancellation of Contract by the Municipal Council
If the fine is not paid or in the event of instalments or other sums due
are not paid within the prescribed time and date ,it shall be competent
to the President to suspend further collection of toll by the contractor
and dispose of the right to collect the toll during the
remaining period by a resale or otherwise

The resale will be held at the risk of the
defaulting contractor who shall be liable to make good all
losses accruing,but shall not be entitled to any profits arising
the resale

(12

31. The ~~xxxxxxxxx~~ imposition of the fine or resale of the contract shall be no bar to the prosecution of the contractor or his employees for any offence or to the institution of other legal steps against them under any law in force for the time being

Annexure

Schedule I

Details of Traffic		Rates
1 Laden carts -- per cart	..	0-4-0
2 Empty Carts per cart		0-2-0
3 Motor buses or lorries each		1-0-0
4 Motor cars each	..	0-8-0
5 Motor Bycicles each		0-4-0
6 Ordinary Cycles each		0-1-0
~~7 Laden animals ass, horse etc each animal . . . .~~		~~0-0-3~~

True Copy

President,
Town Municipal Council,
Tarikere

M4

Schedule II

Compounding Fees on

	Yearly	Half yearly	Quarterly
1) Loaded & Unloaded carts	Rs 12/-	Rs 7/-	Rs 4/-
2) Motor buses or lorries	Rs 50/-	Rs 30/-	Rs 16/-
3) Motor cars	Rs 25/-	Rs 15/-	Rs 8/-
4) Motor cycles	Rs 12/-	Rs 7/-	Rs 4/-

True copy
by Municipal Council
Tarikere

G R S App F VI—G 2]

SUBJECT

AD

13

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 16/8/ 1944

Signed by

May this be—

(i) printed?

(ii) treated as a Standing Order?

(iii) published in the Gazette English Part?

(iv) tran lated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette Kannada Part?

Section MU

File No 110 44

Serial No 14

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Letter no AB.C 483 - 338/43-44 dated the 11th May 1944 from the Dc. Kadur Dist requesting Sanction to the under sec 61(b)(iii) of the Mysore Municipalities Act 1933 levying Toll on Vehicles & animals entering the

~~Order thereon~~—No Municipal limits of the Municipality, in accordance with the rules framed under sec 46 (b) of the Act stating that no objections have been received in writing in response to the notice inviting the proposals to levy the [illegible]

(4)

order No - L/7/11-2 & 16/8

Sanction is accorded to the
levy of the tolls, and the suspension
of the provisions relating to the
levy on animals, as the powers
not permitted under sec 6 (1) (b) (iii) of the Act

2 The draft rules as ~~amended~~ approved
are appended to this order

3 They may be published
half a dozen copies sent to the
Secretary for record & reference

(AM
31)

Sam Lawley Boyle

To

The D.C. Kaira Dist Wise

Incomplete

List of Enclosures

Copied by

Examined by

WD 04162—GPB—60 000—28-10 41

[15

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

READ -

Letter No A3 C 4836-339/43-44 dated the 11th May 1944 from the Deputy Commissioner, Kadur District, requesting sanction to the levy, under Section 61(b)(iii) and 62 of the Mysore Town Municipalities Act of 1933, of toll on vehicles and animals entering the limits of the Tarikere Town Municipality, in accordance with the rules framed under Section 46(1) of the Act and adding that no objections have been received in this behalf in response to the notification publishing the proposal to levy the tolls

ORDER No L 1711-2/ml 110-44-14

Dated, Bangalore, 16th August 1944

Sanction is accorded to the levy of the tolls, with the omission of the provision relating to its levy on animals, as the same is not permitted under Section 61 (b)(iii) of the Act

2 The draft rules as approved are appended to this order

3

(6)

3 They may be got printed and half a dozen copies sent to the Secretariat for record and reference

Secretary to Government,
Law Department

To - The Deputy Commissioner, Kadur District(with records)
Comptroller to Government of Mysore

1-16